

**REMARKS**

With the present amendment, claims 26-30, and 36, 37, and 40-42 are pending. Claims 1-19 and 31-35 were previously withdrawn from consideration. The Examiner is thanked for the courtesy of the personal interview conducted on July 22, 2003.

**Claim rejections under 35 U.S.C. §102**

Claims 24-28, 30, and 36-42 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,807,311 to Palestrant ("Palestrant"). Applicant respectfully traverses this rejection. Claims 24, 25, 38, and 39 have been cancelled, rendering the Examiner's rejections to these claims moot.

Independent claim 36 recites the unitary catheter body having a generally oval cross section, while independent claim 37 recites the unitary body having a generally circular cross section. Applicant respectfully submits that claims 36 and 37 are each patentable over Palestrant, as Palestrant, as shown in Figs. 2 and 3a, discloses a generally Figure 8 cross section.

Claims 26-28 and 30 depend, either directly or indirectly, from independent claim 36, and Applicants respectfully submit that these claims are patentable over Palestrant for the same reasons as claim 36. Claims 40-42 all depend, either directly or indirectly, from independent claim 37, and Applicants respectfully submit that these claims are patentable over Palestrant for the same reasons as claim 37. Applicants respectfully request reconsideration and allowance of claims 26-28, 30, 36, 37, and 40-42.

**Claim rejections under 35 U.S.C. §103**

Claim 29 was rejected under 35 U.S.C. §103 as being unpatentable over Palestrant in view of U.S. Patent No. 6,001,079 to Pourchez ("Pourchez"). Applicants respectfully traverse this rejection. Claim 29 depends from amended claim 36, and Applicants respectfully submit that claim 29 is patentable over the cited prior art for the same reasons as set forth above with respect to claim 36. For the above reasons, Applicants respectfully submit that the rejection of claim 29 is improper and request reconsideration and allowance.


**CONCLUSION**

In view of the foregoing, Applicant respectfully submits that claims 28-30, 36, 37, and 40-42 are in condition for allowance. Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims. If there are any other fees due in connection with the filing of this response, please do not hesitate to contact the undersigned.

Respectfully Submitted,

**Timothy Schweikert et al.**

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Date

  
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